

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON LEIGH CHAVEZ,

Defendant.

No. 2:13-CR-008-WFN-11

ORDER DENYING UNITED  
STATES' MOTION TO  
RECONSIDER

Before the Court is the United States' Motion to modify this Court's furlough Order, noted without oral argument for December 23, 2014, at 6:30 p.m. before Senior Judge Nielsen. It has come to the Court's attention that the United States should have noted the Motion before the undersigned. There is no motion to expedite, and the Motion does not state the Defendant's position.

In moving this Court to modify its Order granting Defendant a furlough from post-conviction and pre-sentence detention in order to receive medical attention, ECF No. 3242, the United States objects to both the Order describing the United States as having "no objection," and to what may be viewed as unnecessarily expansive time limits, encompassing part of Christmas Day, within which Defendant is to keep his medical appointment and return to custody.

While the Court understood that for purposes of the Motion and Order in question "the government defers to the Court and probation so long as this request is consistent with the Court's Order," ECF No. 3241 at 2, and while this Court intends as set forth below that the Order objected to is consistent with previous furlough orders; the Court nevertheless **ORDERS** that the record reflect that the United States **OBJECTS** to the Order entered at ECF No. 3242.

1 The Court acknowledges that the time limits requested for the furlough may  
2 appear liberal. Nevertheless, this Court chooses to regard the requested time  
3 frame, not as a *sub silentio* effort to cadge a Christmas furlough at the risk of  
4 affecting credibility and future furloughs, but as an acknowledgement of the  
5 realities of wintertime travel over a mountain pass, and of the impracticality of  
6 convening the Court and counsel for emergency motions and modifications in the  
7 event of an unforeseeable happenstance on Christmas Eve.

8 Because the Court construes the objected-to order as being consistent with  
9 previous medical furloughs, and as permitting a temporary release, only for the  
10 period necessary to keep an appointment with a medical provider, including the  
11 time realistically necessary to travel to and from such appointment under present  
12 conditions, the United States' Motion to Modify, **ECF No. 3250**, the Court's  
13 Order, ECF No. 3242, is **DENIED**.

14 **IT IS ORDERED.**

15 DATED December 24, 2014.

A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE